**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**APPELLATE SIDE**

**CIVIL APPLICATION NO.2958 OF 2004**
**IN**
**FIRST APPEAL ST.NO.21487 OF 2004**

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Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders.

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Shri Prasad Shinde i/by M/s.Dhruva & Co. for the Appellant.

Shri S.Nagvadaria i/by M/s.Mehta & Co. for the Respondent.

**CORAM : ABHAY S.OKA, J.**

**DATED : 3rd Sept., 2004.**

**P.C.:**

1. Rule. The Respondent waives service. The Advocate for the Respondent has filed affidavit-in-reply opposing the condonation of delay.

2. I have perused the application and affidavit-in-reply. Case is made out for condoniation of delay. According the Civil Application is allowed in terms of prayer clause (a) subject to condition of the Applicant paying costs of Rs.1500/- to the Respondent. Amount of costs to be paid within a period of three weeks from today.

3. Place the Appeal for admission on 13th September 2004.

**Judge.**